

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appl. No.	:	09/875,446	Confirmation No. 5057
Appellant	:	Davin J. Fifield, et al.	
Filed	:	June 5, 2001	
TC/A.U.	:	2176	
Examiner	:	Gautam Sain	
Docket No.	:	43576.830012.US1	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Table of Contents

Section:

Table of Contents	1
Real Party in Interest.....	3
Related Appeals and Interferences	4
Status of Claims	5
Status of Amendments	6
Summary of Claimed Subject Matter	7
Grounds of rejection to be reviewed on appeal	12
Argument.....	13
Conclusion	23

Claims Appendix	A-1
Evidence Appendix	B-1
Related Proceedings Appendix	C-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appl. No.	:	09/875,446	Confirmation No. 5057
Appellant	:	Davin J. Fifield, et al.	
Filed	:	June 5, 2001	
TC/A.U.	:	2176	
Examiner	:	Gautam Sain	
Docket No.	:	43576.830012.US1	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

This Appeal Brief is submitted in response to the Final Office Action
mailed June 14, 2006.

Appellant filed a Notice of Appeal on December 12, 2006.

Real Party in Interest

The real party in interest is The Thomson Corporation, which is the parent company of LiveNote, Inc., which is the parent company of RealLegal, LLC, assignee of the above captioned patent application. The Thomson Corporation is a Canadian corporation having its principal place of business in Toronto, Ontario, Canada.

Related Appeals and Interferences

There are no related appeals and/or interferences.

Status of Claims

Claims 1-20 are pending in this application. Claims 1-20 currently stand rejected.

A copy of the claims is attached as a Claims Appendix to this Appeal Brief.

Status of Amendments

No amendments were filed or entered subsequent to the final office action mailed on June 14, 2006.

Summary of Claimed Subject Matter

The invention is variously embodied. Claims 1, 7, 8, 9, 17 and 19 are summarized below.

In claim 1, a method (FIGS. 5 & 6; p. 18, line 12 – p. 22, line 2) for electronically signing an electronic transcript, comprises performing (FIG. 5; 4; p. 19, lines 7-15) a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript; concatenating (FIG. 6; 1; p. 19, lines 16-21) data to the representation of the contents of the electronic transcript, said data identifying a user; performing (FIG. 6; 2; p. 20, lines 21-24) a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data; providing (FIG. 6; 3, 4; p. 20, lines 3-7) for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; obtaining (FIG. 6; 5; p. 20, lines 8-9) a notary record from the digital notary service of the time stamping; digitally signing (FIG. 5; 7; p. 20, lines 22-24) the notary record; and forming (FIG. 5; 9; p. 21, lines 5-7) an electronically signed electronic transcript by bundling the digitally signed notary record with the electronic transcript and with the data identifying the user.

In claim 7, a computer program product comprises a computer useable medium and computer readable code embodied on said computer useable medium for causing electronically signing an electronic transcript by a user (p. 28, line 23 – p. 29, line 5), the computer readable code comprising computer readable program code devices configured to cause the computer to effect the performing a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript (FIG. 5; 4; p. 19, lines 7-15); computer readable program code devices configured to cause the

computer to effect the concatenating data to the representation of the contents of the electronic transcript, said data identifying the user (FIG. 6; 1; p. 19, lines 16-21); computer readable program code devices configured to cause the computer to effect the performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data (FIG. 6; 2; p. 20, lines 21-24); computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data (FIG. 6; 3, 4; p. 20, lines 3-7); computer readable program code devices configured to cause the computer to effect the obtaining a notary record from the digital notary service of the time stamping (FIG. 6; 5; p. 20, lines 8-9); computer readable program code devices configured to cause the computer to effect the digitally signing the notary record (FIG. 5; 7; p. 20, lines 22-24); and computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the electronic transcript and the data identifying the user (FIG. 5; 9; p. 21, lines 5-7).

In claim 8, computer data signal embodied in a transmission medium (p. 28, line 23 – p. 29, line 5), comprises a code segment including instructions for performing a first hash operation on an electronic transcript to generate a representation of the contents of the electronic transcript (FIG. 5; 4; p. 19, lines 7-15); a code segment including instructions for concatenating data to the representation of the contents of the electronic transcript, said data identifying the user (FIG. 6; 1; p. 19, lines 16-21); a code segment including instructions for performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data (FIG. 6; 2; p. 20, lines 21-24); a code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the

electronic transcript and the data (FIG. 6; 3, 4; p. 20, lines 3-7); a code segment including instructions for obtaining a notary record from the digital notary service of the time stamping (FIG. 6; 5; p. 20, lines 8-9); a code segment including instructions for digitally signing the notary record (FIG. 5; 7; p. 20, lines 22-24); and a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, the electronic transcript, and the data identifying the user (FIG. 5; 9; p. 21, lines 5-7).

In claim 9, a method (FIGS. 5 & 6; p. 18, line 12 – p. 22, line 2) for electronically signing an electronic transcript, comprises performing a first hash operation on a file containing the electronic transcript to generate a representation of the contents of the electronic transcript (FIG. 5; 4; p. 19, lines 7-15); concatenating data to the representation of the contents of the electronic transcript, said data identifying a user (FIG. 6; 1; p. 19, lines 16-21); performing a second hash operation on the data and the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data (FIG. 6; 2; p. 20, lines 21-24); providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data (FIG. 6; 3, 4; p. 20, lines 3-7); obtaining a notary record from the digital notary service of the time stamping (FIG. 6; 5; p. 20, lines 8-9); digitally signing the notary record (FIG. 5; 7; p. 20, lines 22-24); and forming an electronically signed electronic transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript (FIG. 5; 9; p. 21, lines 5-7).

In claim 17, a computer program product comprises a computer useable medium and computer readable code embodied on said computer useable medium for causing electronically signing an electronic transcript by a user (p. 28, line 23 – p. 29, line 5), the computer readable code comprising computer readable program code devices configured to cause the computer to effect the performing a first hash operation on a file containing the electronic transcript to

generate a representation of the contents of the electronic transcript (FIG. 5; 4; p. 19, lines 7-15); computer readable program code devices configured to cause the computer to effect the concatenating data to the representation of the contents of the electronic transcript, said data identifying the user (FIG. 6; 1; p. 19, lines 16-21); computer readable program code devices configured to cause the computer to effect the performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data (FIG. 6; 2; p. 20, lines 21-24); computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data (FIG. 6; 3, 4; p. 20, lines 3-7); computer readable program code devices configured to cause the computer to effect the obtaining a notary record from the digital notary service of the time stamping (FIG. 6; 5; p. 20, lines 8-9); computer readable program code devices configured to cause the computer to effect the digitally signing the notary record (FIG. 5; 7; p. 20, lines 22-24); and computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript (FIG. 5; 9; p. 21, lines 5-7).

In claim 19, a computer data signal embodied in a transmission medium (p. 28, line 23 – p. 29, line 5), comprises a code segment including instructions for performing a first hash operation on a file containing an electronic transcript to generate a representation of the contents of the electronic transcript (FIG. 5; 4; p. 19, lines 7-15); a code segment including instructions for concatenating data to the representation of the contents of the electronic transcript, said data identifying the user (FIG. 6; 1; p. 19, lines 16-21); a code segment including instructions for performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data (FIG. 6; 2; p. 20, lines 21-24); a

code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; a code segment including instructions for obtaining a notary record from the digital notary service of the time stamping; a code segment including instructions for digitally signing the notary record; and a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, file containing the electronic transcript, and the data identifying the user (FIG. 5; 9; p. 21, lines 5-7).

Grounds of rejection to be reviewed on appeal

1. Whether claims 1, 3-9, 11-15, 17 and 19 should be rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,091,835 to Smithies et al.(hereinafter referred to as "Smithies") in view of U.S. Patent No. 6,901,509 ("Kocher").

2. Whether claims 2, 10, 16, 18 and 20 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Smithies patent in view Kocher in further view of U.S. Patent No. 6,336,188 to Blake-Wilson et al. (hereinafter referred to as "Blake-Wilson").

Argument

1. Whether claims 1, 3-9, 11-15, 17 and 19 should be rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,091,835 to Smithies et al.(hereinafter referred to as "Smithies") in view of U.S. Patent No. 6,901,509 ("Kocher").

Claim 1

Claim 1 calls for ***a method for electronically signing an electronic transcript***, comprising ***performing a first hash operation on the electronic transcript to generate a representation*** of the contents of the electronic transcript; ***concatenating data to the representation*** of the contents of the electronic transcript, said data identifying a user; ***performing a second hash operation on the data concatenated to the representation***, the second hash operation generating a representation of the contents of the electronic transcript and the data; providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; obtaining a notary record from the digital notary service of the time stamping; digitally signing the notary record; and forming an electronically signed electronic transcript by bundling the digitally signed notary record with the electronic transcript and with the data identifying the user. (Emphasis added.)

Smithies is directed to authentication of electronic signatures in computer-based recording or transcribing systems. Particularly, Smithies is directed to a "ceremony" of affirmation that verifies the identity of a user and verifies that the user actually understands that their electronic signature is a binding affirmation of the recitations of the ceremony and the document being signed, similar to the understanding a person has when physically signing a piece of paper. As described at column 14, lines 5-21, the integrity of the provisions or undertakings of a document, transaction or statement may be verified using a one-way hash operation. As described in Smithies, a transcript generator module creates a one-way hash corresponding to the contents of the document, transaction or statement. This hash encoding may be compared to a hash encoding of a later

copy of the document, transaction or statement to verify that the document, transaction or statement has not been modified since the time of affirmation. Smithies thus teaches performing a hash operation at the time of the affirmation, the result of which is then compared with results of a hash operation performed at a later time. In this manner, it may be verified that the contents of the document, transaction or statement have not been modified since the time of the affirmation.

Importantly, Smithies teaches only a single hash operation on a document, and has no teaching or suggestion of a second hash operation on data concatenated to a representation as required by the claim. The second hash operation that the Examiner refers to is a hash of only the document that is performed at a later time in order to verify the contents of the document have not been altered. Thus, two separate hash operations are performed on the same document, one to generate the initial hash, and the other to generate a separate hash that is to be compared to the initial hash and verify the document is not changed from the time of the initial hash. This second hash of the document as disclosed in Smithies does not provide any teaching or suggestion of a hash operation performed on anything except the document itself.

Furthermore, because Smithies contains no teaching, suggestion, or motivation for concatenating data to a representation and performing a second hash operation on the data concatenated to the representation, Smithies also contains no teaching of "providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; obtaining a notary record from the digital notary service of the time stamping; digitally signing the notary record; and forming an electronically signed electronic transcript by bundling the digitally signed notary record with the electronic transcript and with the data identifying the user."

The Examiner states in the Office action of 06/14/2006, on page 2, in part (emphasis in original):

Smithies teaches concatenating data to the representation of the contents of the electronic transcript, said data identifying a user; digitally signing the notary record. Smithies discloses a digital signature that is

added to the principal transcript object after verification by the transcript generator (col 9, lines 40-44).

As such, Smithies teaches away from the present invention in that “[t]he APC will digitally sign the portion of the affirmation transcript that it has created using the APC’s own asymmetric private key; this signature will be verified by the transcript generator module **before** adding this additional information to the principal transcript object.” (Emphasis added. See, col. 9, lines 40-44 of Smithies.) As such, a signature is added to an unhashed transcript. This is in contrast to the present invention in that a first hash operation is performed on the electronic transcript, without the data identifying a user, to generate a representation of the contents of the electronic transcript prior to concatenating (i.e., adding) data identifying a user to the hashed electronic transcript.

Furthermore, the Examiner states that Smithies teaches “*concatenating data to the representation of the contents of the electronic transcript, said data identifying a user; digitally signing the notary record.*” However, these two steps of concatenating data and digitally signing the notary record are distinct steps, with intervening steps in between. As claimed, there are included three recited intervening steps of (1) performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data; (2) providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; and (3) obtaining a notary record from the digital notary service of the time stamping.

In addition, the Examiner again relies on the above-identified disclosure at col. 9, lines 40-44 of Smithies to assert that Smithies teaches forming an electronically signed electronic transcript by bundling the digitally signed notary record with the electronic transcript and with the data identifying the user. The Examiner states in the Office action of 6/14/2006, at page 3, in part (emphasis in original):

Smithies teaches *forming an electronically signed electronic transcript by bundling the digitally signed notary record with the electronic transcript*

and with the data identifying the user. For example, Smithies discloses a system that adds the signature information to the principal transcript to (col 9, lines 40-45) and creates a resulting transcript with a private key that verifies the identity of a party, including an affirmation (col 8, lines 1-15).

The Examiner states in the Office action of 6/14/2006, at page 3, in part (emphasis in original):

...Kocher teaches performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data. Kocher discloses a method for demonstrating and confirming the status of a digital certificate and other data (Title), where hashing the result of the previous hash suggests that a second hash is performed on the results of the first has operation (col 10, lines 15-25).

Appellant respectfully disagrees. Kocher does not disclose "concatenating data to the representation of the contents of the electronic transcript, said data identifying a user" and "performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data," as suggested by the Examiner. Rather, Kocher teaches or discloses a method to hash a data file. In particular, the data file is processed into a plurality of ranges. A hash tree is built from the plurality of ranges. Thus, while a plurality of hashes are performed, each range of data is subject only to a ingle hash. Once the data file is hashed, a digitally signature is appended to the hashed data file. See for example, Kocher at col. 8, lines 24-31, stating: "To summarize, the tree issuer thus performs the following steps: 1. Construct the list of items, 2. Convert list into a set of ranges, 3. Build an interval hash tree from the ranges, 4. Digitally sign the hash tree's root node, and 5. Publish the hash tree and signed root node." As is evident from the summary, the digital signature is appended after the hash operation and not separately hashed. Thus, Kocher does not teach or suggest the step of "concatenating data to the representation of the contents of the electronic transcript, said data identifying a user" and "performing a second hash operation on the data concatenated to the representation, the second hash

operation generating a representation of the contents of the electronic transcript and the data.” Neither Smithies (as admitted by the Examiner) nor Kocker disclose “concatenating data to the representation of the contents of the electronic transcript, said data identifying a user” and “performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data”.

Applicants submit that the Examiner has not established prima facie obviousness based on the Smithies reference. As described in MPEP § 2142, in order to establish a prima facie case of obviousness, the Examiner must provide (i) some suggestion or motivation to modify the reference, (ii) a reasonable expectation of success, and (iii) the prior art reference must teach or suggest all of the claim limitations. The references do not teach or suggest all of the claim limitations of claim 1. In particular, as the Examiner admits, Smithies does not teach or suggest “concatenating data to the representation of the contents of the electronic transcript, said data identifying a user,” and “performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data.” As defined by the claim, the “representation of the contents of the electronic transcript” is the result of step (a) in the claim, namely the performing of a first hash on an electronic transcript. Accordingly, claim 1 is believed to be allowable.

Claims 3-6

Claims 3-6, which each depend directly from independent claim 1, are believed to be allowable for at least the above-identified reasons with respect to claim 1.

Claim 7

Claim 7 calls for a computer program product comprising a computer useable medium and computer readable code embodied on said computer

useable medium for causing **electronically signing an electronic transcript** by a user, the computer readable code comprising computer readable program code devices configured to cause the computer to effect the **performing a first hash operation on the electronic transcript to generate a representation** of the contents of the electronic transcript; computer readable program code devices configured to cause the computer to effect the **concatenating data to the representation** of the contents of the electronic transcript, said data identifying the user; computer readable program code devices configured to cause the computer to effect the **performing a second hash operation on the data concatenated to the representation**, the second hash operation generating a representation of the contents of the electronic transcript and the data; computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; computer readable program code devices configured to cause the computer to effect the obtaining a notary record from the digital notary service of the time stamping; computer readable program code devices configured to cause the computer to effect the digitally signing the notary record; and computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the electronic transcript and the data identifying the user. (Emphasis added.)

Claim 7 contains recitations similar to the recitations of claim 1 noted above and, at least by virtue of the similarity, is allowable over Smithies and Kocher either alone or in any reasonable combination thereof.

Claim 8

Claim 8 calls for a computer data signal embodied in a transmission medium, comprising a code segment including instructions for **performing a first hash operation on an electronic transcript to generate a representation** of the contents of the electronic transcript; a code segment including instructions for **concatenating data to the representation of the contents of the electronic**

transcript, said data identifying the user; a code segment including instructions for **performing a second hash operation on the data concatenated to the representation**, the second hash operation generating a representation of the contents of the electronic transcript and the data; a code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; a code segment including instructions for obtaining a notary record from the digital notary service of the time stamping; a code segment including instructions for digitally signing the notary record; and a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, the electronic transcript, and the data identifying the user. (Emphasis added.)

Claim 8 contains recitations similar to the recitations of claim 1 noted above and, at least by virtue of the similarity, is allowable over Smithies and Kocher either alone or in any reasonable combination thereof.

Claim 9

Claim 9 calls for a computer program product comprising **a method for electronically signing an electronic transcript**, comprising **performing a first hash operation on a file containing the electronic transcript to generate a representation** of the contents of the electronic transcript; **concatenating data to the representation of the contents of the electronic transcript**, said data identifying a user; **performing a second hash operation on the data and the representation**, the second hash operation generating a representation of the contents of the electronic transcript and the data; providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; obtaining a notary record from the digital notary service of the time stamping; digitally signing the notary record; and forming an electronically signed electronic transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript. (Emphasis added.)

Claim 9 contains recitations similar to the recitations of claim 1 noted above and, at least by virtue of the similarity, is allowable over Smithies and Kocher either alone or in any reasonable combination thereof.

Claims 11-15

Claims 11-15, which each depend directly from independent claim 9, are believed to be allowable for at least the above-identified reasons with respect to claim 9.

Claim 17

Claim 17 calls for a computer program product comprising a computer useable medium and computer readable code embodied on said computer useable medium for causing ***electronically signing an electronic transcript*** by a user, the computer readable code comprising computer readable program code devices configured to cause the computer to effect the ***performing a first hash operation on a file containing the electronic transcript to generate a representation*** of the contents of the electronic transcript; computer readable program code devices configured to cause the computer to effect the ***concatenating data to the representation of the contents of the electronic transcript***, said data identifying the user; computer readable program code devices configured to cause the computer to effect the ***performing a second hash operation on the data concatenated to the representation***, the second hash operation generating a representation of the contents of the electronic transcript and the data; computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; computer readable program code devices configured to cause the computer to effect the obtaining a notary record from the digital notary service of the time stamping; computer readable program code devices configured to cause the computer to effect the digitally signing the notary record;

and computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript. (Emphasis added.)

Claim 17 contains recitations similar to the recitations of claim 1 noted above and, at least by virtue of the similarity, is allowable over Smithies and Kocher either alone or in any reasonable combination thereof.

Claim 19

Claim 19 calls for a computer data signal embodied in a transmission medium, comprising a code segment including instructions for ***performing a first hash operation on a file containing an electronic transcript to generate a representation*** of the contents of the electronic transcript; a code segment including instructions for ***concatenating data to the representation of the contents of the electronic transcript***, said data identifying the user; a code segment including instructions for ***performing a second hash operation on the data concatenated to the representation***, the second hash operation generating a representation of the contents of the electronic transcript and the data; a code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; a code segment including instructions for obtaining a notary record from the digital notary service of the time stamping; a code segment including instructions for digitally signing the notary record; and a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, file containing the electronic transcript, and the data identifying the user. (Emphasis added.)

Claim 19 contains recitations similar to the recitations of claim 1 noted above and, at least by virtue of the similarity, is allowable over Smithies and Kocher either alone or in any reasonable combination thereof.

2. Whether claims 2, 10, 16, 18 and 20 should be rejected under 35 U.S.C. §103(a) as being unpatentable over Smithies patent in view Kocher in further view of U.S. Patent No. 6,336,188 to Blake-Wilson et al. (hereinafter referred to as "Blake-Wilson").

Claim 2

Claim 2, which each depend directly from independent claim 1, is believed to be allowable for at least the above-identified reasons with respect to claim 1.

Claims 10 and 16

Claims 10 and 16, which each depend directly from independent claim 9, are believed to be allowable for at least the above-identified reasons with respect to claim 9.

Claim 18

Claims 18, which depends directly from independent claim 17, is believed to be allowable for at least the above-identified reasons with respect to claim 17.

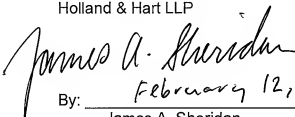
Claims 20

Claim 20, which depends directly from independent claim 19, is believed to be allowable for at least the above-identified reasons with respect to claim 19.

3. Conclusion

In summary, the art of record does not teach nor suggest the subject matter of Appellants' claims 1-20. These claims are therefore believed to be allowable.

Respectfully submitted,
Holland & Hart LLP


By: February 12, 2007

James A. Sheridan
Reg. No. 43,114
Tel: (303) 295-8000

Claims Appendix

Claim 1: A method for electronically signing an electronic transcript, comprising:

- performing a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript;
- concatenating data to the representation of the contents of the electronic transcript, said data identifying a user;
- performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data;
- providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data;
- obtaining a notary record from the digital notary service of the time stamping;
- digitally signing the notary record; and
- forming an electronically signed electronic transcript by bundling the digitally signed notary record with the electronic transcript and with the data identifying the user.

Claim 2: The method of claim 1, wherein the first hash operation is a RIPEMD-160 hash operation.

Claim 3: The method of claim 1, wherein said data includes a user name uniquely identifying the user.

Claim 4: The method of claim 1, wherein said data includes a user number associated with the user.

Claim 5: The method of claim 1, wherein said data includes a recipient's name.

Claim 6: The method of claim 1, wherein said data includes a unique identifier which uniquely identifies the transcript.

Claim 7: A computer program product comprising:

- a computer useable medium and computer readable code embodied on said computer useable medium for causing electronically signing an electronic transcript by a user, the computer readable code comprising:

- computer readable program code devices configured to cause the computer to effect the performing a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript;

- computer readable program code devices configured to cause the computer to effect the concatenating data to the representation of the contents of the electronic transcript, said data identifying the user;

- computer readable program code devices configured to cause the computer to effect the performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data;

- computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data;

- computer readable program code devices configured to cause the computer to effect the obtaining a notary record from the digital notary service of the time stamping;

- computer readable program code devices configured to cause the computer to effect the digitally signing the notary record; and

- computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the electronic transcript and the data identifying the user.

Claim 8: A computer data signal embodied in a transmission medium, comprising:

- a code segment including instructions for performing a first hash operation on an electronic transcript to generate a representation of the contents of the electronic transcript;

- a code segment including instructions for concatenating data to the representation of the contents of the electronic transcript, said data identifying the user;

- a code segment including instructions for performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data;

- a code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data;

- a code segment including instructions for obtaining a notary record from the digital notary service of the time stamping;

- a code segment including instructions for digitally signing the notary record; and

- a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, the electronic transcript, and the data identifying the user.

Claim 9: A method for electronically signing an electronic transcript, comprising:

- performing a first hash operation on a file containing the electronic transcript to generate a representation of the contents of the electronic transcript;

- concatenating data to the representation of the contents of the electronic transcript, said data identifying a user;

performing a second hash operation on the data and the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data;

providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data;

obtaining a notary record from the digital notary service of the time stamping;

digitally signing the notary record; and

forming an electronically signed electronic transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript.

Claim 10: The method of claim 9, wherein the first hash operation is a RIPEMD-160 hash operation.

Claim 11: The method of claim 9, wherein said data includes a user name uniquely identifying the user.

Claim 12: The method of claim 9, wherein said data includes a user number associated with the user.

Claim 13: The method of claim 9, wherein said data includes a recipient's name.

Claim 14: The method of claim 9, wherein said data includes a unique identifier which uniquely identifies the transcript.

Claim 15: The method of claim 9, wherein said file contains text of the electronic transcript.

Claim 16: The method of claim 9, wherein said file excludes page numbers, line numbers, headers, and footers.

Claim 17: A computer program product comprising:

a computer useable medium and computer readable code embodied on said computer useable medium for causing electronically signing an electronic transcript by a user, the computer readable code comprising:

computer readable program code devices configured to cause the computer to effect the performing a first hash operation on a file containing the electronic transcript to generate a representation of the contents of the electronic transcript;

computer readable program code devices configured to cause the computer to effect the concatenating data to the representation of the contents of the electronic transcript, said data identifying the user;

computer readable program code devices configured to cause the computer to effect the performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data;

computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data;

computer readable program code devices configured to cause the computer to effect the obtaining a notary record from the digital notary service of the time stamping;

computer readable program code devices configured to cause the computer to effect the digitally signing the notary record; and

computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript.

Claim 18: The computer program product of claim 17, wherein the file excludes page numbers, line numbers, headers, and footers.

Claim 19: A computer data signal embodied in a transmission medium, comprising:

- a code segment including instructions for performing a first hash operation on a file containing an electronic transcript to generate a representation of the contents of the electronic transcript;

- a code segment including instructions for concatenating data to the representation of the contents of the electronic transcript, said data identifying the user;

- a code segment including instructions for performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data;

- a code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data;

- a code segment including instructions for obtaining a notary record from the digital notary service of the time stamping;

- a code segment including instructions for digitally signing the notary record; and

- a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, file containing the electronic transcript, and the data identifying the user.

Claim 20: The computer data signal of claim 19, wherein said file excludes page numbers, line numbers, headers, and footers.

Evidence Appendix

No extrinsic evidence was relied upon to support the arguments herein.

Related Proceedings Appendix

There are no Board or court proceedings related to this Application.

3666402_1.DOC